



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145b)  
805 Frontage Road  
Suite 200C  
Kenai, Alaska 99611-7755

PUBLIC NOTICE DATE: June 14, 2006  
EXPIRATION DATE: June 29, 2006  
REFERENCE NUMBER: POA-2004-405-2  
WATERWAY NUMBER: Deep Creek

Interested parties are hereby notified that an application has been received for a Department of the Army (DA) permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation, 550 West 5th Avenue, Suite 1340, Anchorage, Alaska 99501. Telephone (907) 269-8745. The applicant's point of contact is Ms. Barbara Wild.

LOCATION: Deep Creek State Recreation Area located within the SE 1/4 NW 1/4 section 4, T. 2 S., R. 14 W., Seward Meridian; near Ninilchik, Alaska; Latitude 60.0330°N, Longitude 151.6983°W.

WORK: Discharge approximately 59 cubic yards (cy) of fill material below the high tide line (HTL) of Deep Creek to construct a two lane, concrete boat ramp. In total, the ramp would be 150 feet long and range between 22 and 44 feet wide. The ramp would extend approximately 35 feet below the HTL and 28 feet below the mean high water mark (MHW) of Deep Creek and be 44 feet wide except for the lower 10 feet, which would be 22 feet wide. The drivable surface of the ramp would be 22' wide and consist of approximately 18 cy of D-1 gravel used as bedding material for approximately 28 cy of concrete planks and treated timber sills. Approximately 13 cy of articulating concrete matting would extend ten feet from each side of the concrete planks. The articulating concrete matting would extend approximately 25 feet below the HTL and 18 feet below the MHW. Approximately 1,320 sq. ft. of the creek bank and bed would be filled under this proposal. The applicant proposes to construct the ramp between Sept. 1 - Oct. 31 2006, and March 31 - May 31 2007.

PURPOSE: The applicant's stated project purpose is to bring the launch and associated public facilities to pre-2002 flood conditions.

ADDITIONAL INFORMATION: The HTL at Deep Creek is 24.5' and the MHW is 18.6'. The existing one-lane boat launch was destroyed by the 2002 floods and subsequently was removed in 2004 under DA nationwide permit #19, Minor Dredging (Corps permit file POA-2004-405). Other project components include removing a vaulted toilet, installing 300' pathway from the water well to boat ramp, fee station and cutting back the slope of the creek above the MHW and revegetating fill areas. These project components do not require a DA permit.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There is an unevaluated property in the vicinity of the worksite. It has been designated KEN-00044. The Corps will be working the State Historic Preservation Officer (SHPO) to determine the appropriate course of action for this property. If needed, a determination of effect will be made in consultation with the SHPO. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with SHPO. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: The project area is within the known range of the Steller's eider which is listed as Threatened. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. *et seq* and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: The project is at the Deep Creek State Recreation Area administered by the Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation and within the Clam Gulch Critical Habitat Area administered by the Alaska Department of Fish and Game.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The

benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Dave Casey at (907) 283-3519, if further information is desired concerning this notice.

**AUTHORITY:** This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer  
U.S. Army, Corps of Engineers

Attachments

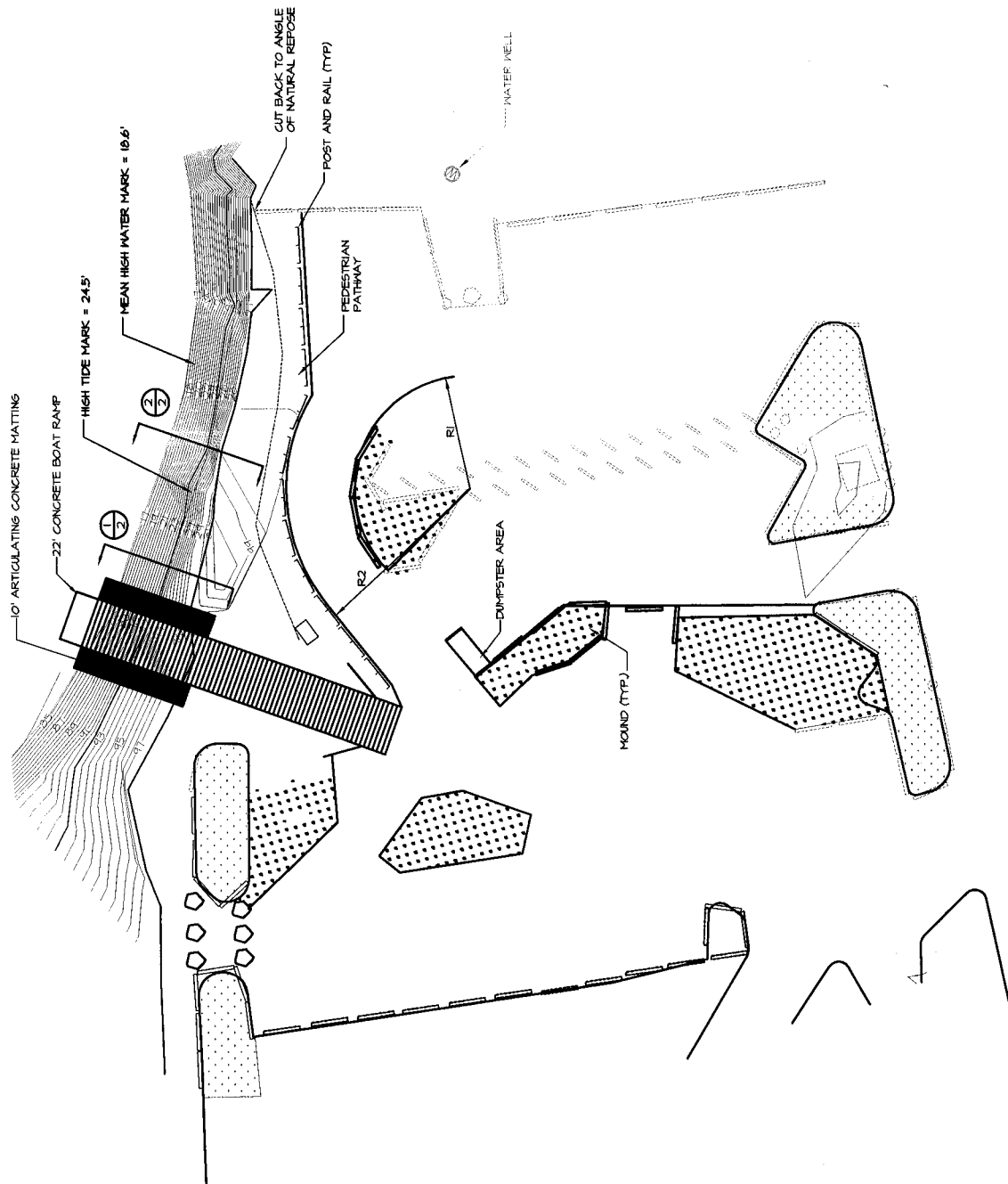
Vicinity Map. POA-2004-405-2, Deep Creek



Lower Kenai Peninsula



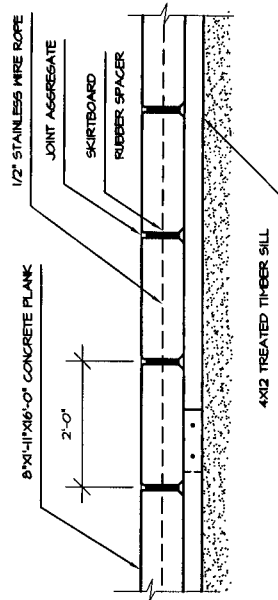
Ninilchik Area



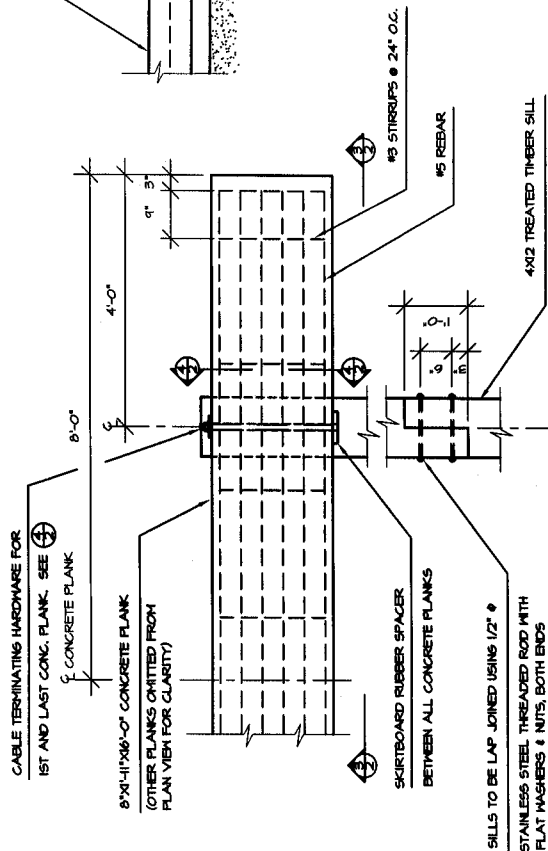
POA-2004-405-2, Deep Creek  
Sheet 2 of 4

DEPARTMENT OF NATURAL RESOURCES DIVISION OF PARKS AND OUTDOOR RECREATION	STATE OF ALASKA	DEEP CREEK SRA BOAT RAMP IMPROVEMENTS PROJECT NO. 75150-1	SITE PLAN	PREPARED: SLM	SHEET
				DRAWN: SLM REVIEWED: SLM DATE: 05/06	OF SHEETS

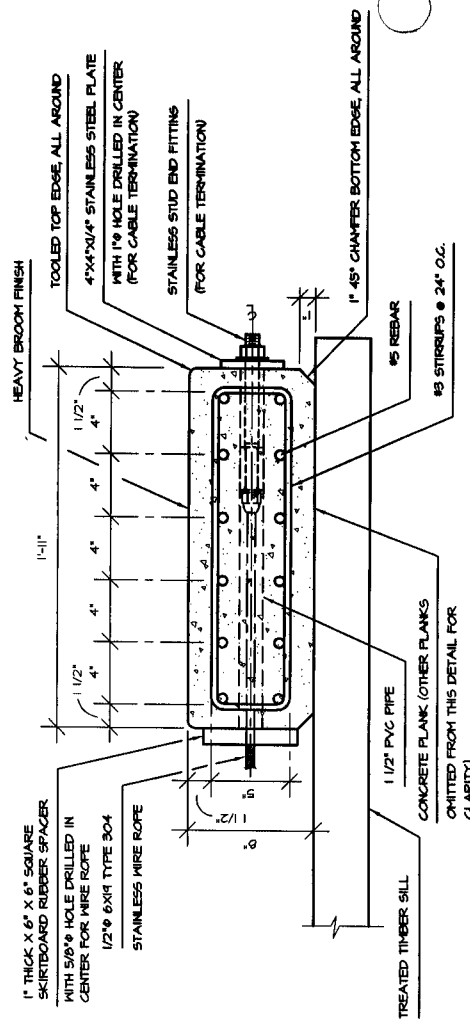
- NOTES:**
1. REBAR SHALL BE WIRE TIED TO STIRRUPS.
  2. THERE SHALL BE NO LESS THAN ONE (1) INCH OF CONCRETE COVER OVER REINFORCING STEEL.
  3. TOP SIDE OF CONCRETE PLANKS SHALL BE HEAVY BROOK FINISHED.
  4. 4X12 TREATED TIMBER SILLS SHALL BE PROCURED IN 12' TO 18' LENGTHS TO MINIMIZE LAP JOINTS AND INCORPORATE 12' MIN. SILL LENGTHS, IF BOAT RAMP DESIGN PERMITS.
  5. GRADE BREAK IN RAMP INSTALLATION SHALL BE LOCATED AT HIGH WATER LEVEL DURING USE PERIOD.
  6. SEPARATION GEOTEXTILE SHALL BE PLACED BEFORE INSTALLING TREATED TIMBER SILLS.
  7. ALL SPACES BETWEEN CONCRETE PLANKS SHALL BE FILLED WITH JOINT AGGREGATE.



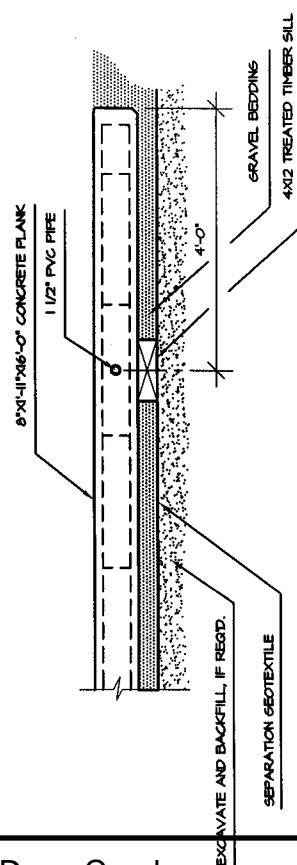
**2** SECTION  
SCALE 1/2"=1'-0"



**1** PLAN  
SCALE 1/2"=1'-0"



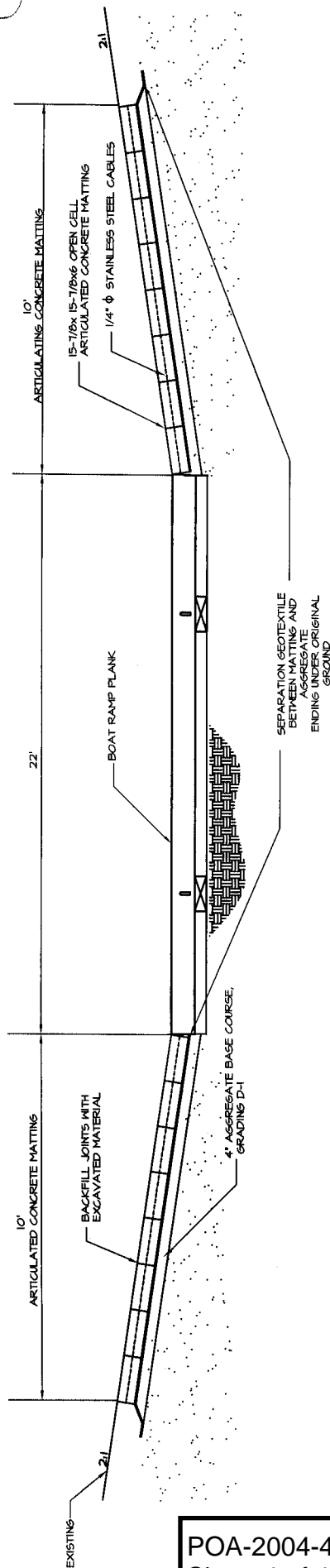
**4** SECTION  
SCALE 1/2"=1'-0"



**3** DETAIL  
SCALE 1/2"=1'-0"



DEPARTMENT OF NATURAL RESOURCES DIVISION OF PARKS AND OUTDOOR RECREATION	DEEP CREEK SRA FLOOD DAMAGE REPAIR PROJECT NO. TXXXX-1	BOAT RAMP DETAILS	PREPARED: JAS DRAWING: SJA REVIEWER: HKS DATE: JAN 06 SHEET 6 OF 7 SHEETS
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① SLOPE PROTECTION  
SECTION 7



SLOPE PROTECTION DETAILS  
& TYPICAL SECTIONS

DEEP CREEK SRA  
FLOOD DAMAGE REPAIR  
PROJECT NO. TXXXX-1

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF PARKS AND OUTDOOR RECREATION  
STATE OF ALASKA

PREPARED: S.M.  
DRAWING: S.M.  
REVIEWED: H.S.  
DATE: 05/06

SHEET  
7  
OF 7 SHEETS

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

### NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2004-405-2, Deep Creek, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
555 Cordova Street  
Anchorage, Alaska 99501-2617  
Telephone: (907) 269-7564  
FAX: (907) 269-7508



FRANK H. MURKOWSKI, GOVERNOR

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF PROJECT MANAGEMENT AND PERMITTING**

ALASKA COASTAL ZONE MANAGEMENT  
550 WEST 7<sup>TH</sup> AVENUE, SUITE 1660  
ANCHORAGE, ALASKA 99501-3568

**NOTICE OF APPLICATION  
FOR  
CERTIFICATION OF CONSISTENCY WITH THE  
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No.

**POA-2004-405-2, Deep Creek**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.